

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGAR ALEJANDRO ZATARAIN
RODRIGUEZ, IKER DANIEL CASTILLO
SARABIA, and MATEO DE JESUS
GONZALES GARCIA,

Defendants.

Case No. CR23-136RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendants' "Unopposed Motion to Continue Trial Date." (Dkt. # 44). Having considered the facts set forth in the motion, and defendants' knowing and voluntary waivers (Dkts. # 45, 47, 49), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, defendants are each charged with one count of Intent to Distribute pursuant to 21 U.S.C. § 8419(a)(1) and § 841(b)(1)(A), as well as 18 U.S.C. § 2. Defendants' case is related to two other cases pending before this Court, CR23-133 and CR23-137. *See* Dkt. # 36. Given the ongoing production of voluminous discovery in this case and the case's connection to a larger investigation, the Court finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL - 1

1 3. The Court finds that the additional time requested between the current trial date of
2 October 23, 2023, and the proposed trial date of April 29, 2024, is a reasonable period of delay.
3 The Court finds that this additional time is necessary to provide defense counsel reasonable time
4 to prepare for trial, as defendants have requested more time to prepare for trial, to continue to
5 investigate the matter, to gather evidence material to the defense, and to consider possible
6 defenses. The additional time requested between the current trial date and the new trial date is
7 necessary to provide counsel for the defendants the reasonable time necessary to prepare for
8 trial, considering all of the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and that
10 these factors outweigh the best interests of the public and defendants in a speedier trial, within
11 the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendants have each signed a waiver indicating that they have been advised of their
13 right to a speedy trial and that, after consulting with counsel, they have knowingly and
14 voluntarily waived that right and consented to the continuation of their trial to a date up to and
15 including April 29, 2024. *See* Dkts. # 45, 47, 49.

16 IT IS HEREBY ORDERED that the trial date shall be continued from October 23, 2023
17 to April 29, 2024, and pretrial motions are to be filed no later than March 15, 2024;

18 IT IS FURTHER ORDERED that the period of time from the current trial date of
19 October 23, 2023, up to and including the new trial date, shall be excludable time pursuant to the
20 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and
21 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
22 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

23 DATED this 19th day of September, 2023.

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27 Robert S. Lasnik
28 United States District Judge